

ORDINANCE

–All-Terrain Vehicle and Utility Terrain Vehicle Routes–

THE TOWN BOARD OF THE TOWN OF SIOUX CREEK, BARRON COUNTY, DOES HEREBY ORDAIN AS FOLLOWS:

Section One: That the following Ordinance be adopted:

Section 1. Title and Purpose.

The title of this ordinance is the Town of Sioux Creek, Barron County, Wisconsin, All-Terrain Vehicle and Utility Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle and utility terrain vehicle routes in the Town and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Town.

Section 2. Authority.

The Town Board of the Town of Sioux Creek, Barron County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Ordinance under §§23.33(8)(b) and (11) and 60.10(2)(c), Wis. Stats.

Section 3. Operation of All-Terrain Vehicles and Utility Terrain Vehicles.

Pursuant to §23.33(4)(d)4., Wis. Stats., except as otherwise provided in §23.33(4), Wis. Stats., no person may operate an all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway in the Town except on roadways that are designated as all-terrain vehicle and utility terrain vehicle routes by this ordinance. Operation of all-terrain vehicles and utility terrain vehicles on a roadway in the Town that is an all-terrain vehicle and utility terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

Section 4. Designation of All-Terrain Vehicle and Utility Terrain Vehicle Routes.

The following routes are designated all-terrain vehicle and utility terrain vehicle routes in the Town:

A. Designated Routes:

1. 6th Avenue: County Trunk Highway "T" to 20th Street
2. 5th Avenue: County Trunk Highway "T" to 18th Street
3. 20th Street: 6th Avenue to 5th Avenue
4. 20 1/4 Street: 5th Avenue North to Dead End
5. 18th Street: 5th Avenue to 4 1/2 Avenue

- B. A map of the routes designated in A., above, is attached and incorporated by reference and maintained on file by the Town Clerk.

- C. The Town Board reserves the right to modify the designation of routes under A., above, from time to time, by amending this ordinance. Prior to amending the ordinance in this manner, the Town Board shall hold a public hearing as to proposed route changes.

Section 5. Procedures for Adding/Deleting Town Highways as Routes.

Town highway and highway segments may be added/deleted as all-terrain vehicle and utility terrain vehicle routes through the following process:

- A. A property owner or resident within the Town must petition the Town to add/delete a highway or highway segment. Petitioners must obtain petition forms from the Town Clerk. The petitioner must secure a majority of signatures of all the property owners/residents on the highway.
- B. The Town Board shall, within 30 days of receipt of the petition, review the petition and make a determination as to whether the highway or highway segment in question is appropriate for use as permitted under this ordinance.
- C. The Town Board shall hold a public hearing on the petition. This public hearing may be held in conjunction with a regularly scheduled Town Board meeting. The testimony at the public hearing shall be considered before route changes are adopted. The Board shall make reasonable efforts to ensure residents on affected highways are given notice of the public hearing.
- D. Following the public hearing the Town Board shall discuss the proposed change, but it shall not modify routes until the matter is brought up for consideration at the next regularly scheduled meeting of the Board.

Section 6. Conditions Applicable to All-Terrain Vehicle and Utility Terrain Vehicle Routes.

Pursuant to §23.33(8)(d), Wis. Stats., the following restrictions are placed on the use of the Town all-terrain vehicle and utility terrain vehicle routes designated by this resolution:

- A. Routes shall be marked with uniform all-terrain vehicle and utility terrain vehicle route signs in accordance with Sec. NR 64.12(7), Wis. Adm. Code. No person may do any of the following in regard to signs marking Town all-terrain vehicle and utility terrain vehicle routes:
 - 1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.

2. Possess any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. Operation shall be subject to all provisions of §23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to §23.33(11), Wis. Stats.
 - C. A copy of this ordinance shall be sent by the Town Clerk to the Department of Natural Resources, the Barron County Sheriff's Department, and any other law enforcement agency serving the Town of Sioux Creek.
 - D. Additional restrictions:
 1. All all-terrain vehicle and utility terrain vehicle operators shall observe posted ATV and UTV speed limits.
 2. All all-terrain vehicle and utility terrain vehicle operators shall proceed single file.
 3. All all-terrain vehicle and utility terrain vehicle operators shall slow their vehicles to 10 mph or less when operating within 150 feet of a dwelling.
 - E. All ATV/UTV speed limits and other operational controls shall be established by amendments to this ordinance adopted from time to time by the Town Board.

Section 7. Age Restrictions; Certification.

No person shall operate either an ATV or UTV on any of the designated routes (Town highways) subject to this ordinance who fails to meet all of the following conditions:

- A. Each operator shall be at least 16 years of age.
- B. Each operator shall hold a valid driver's license.
- C. Each operator shall hold a valid safety certificate as defined at §23.33(5)(b), Wis. Stats.

Section 8. Signing of ATV/UTV Designated Routes.

It shall be the responsibility of Chetek ATV Cruzers, Inc., the local ATV/UTV club, to place, maintain, and repair appropriate signs marking and regulating use of the designated routes. Signs shall be installed that meet the criteria of Wis. Adm. Code Ch. NR 64, § NR 64.12(7). Although in

accord with § NR 64.12(7)(d) the Town is responsible for signing designated routes, the Chetek ATV Cruzers, Inc. shall indemnify and hold the Town harmless from the cost of purchasing, placing, and maintaining any and all required or recommended signs under § NR 64.12(7) and to this extent shall be solely responsible for placing, replacing, repairing, and restoring any damaged, defective, or stolen or missing signs. To this extent, but subject to approval of the Town Chair, Chetek ATV Cruzers, Inc. is permitted to place ATV/UTV signs on designated routes in the Town.

Section 9. Enforcement.

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and Town ordinance.

Section 10. Applicability of §23.33, Wis. Stats.

The use of the designated routes in the Town and operation of ATVs/UTVs upon said routes shall be subject to compliance with all provisions of §23.33, Wis. Stats., not expressly altered by this ordinance.

Section 11. Penalties.

State forfeitures as established at §23.33(13)(a), Wis. Stats., are adopted herein by reference.

Section 12. Severability.

The provision of the ordinance shall be deemed severable. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

Section 13. Definitions.

"All-Terrain Vehicle," a/k/a "ATV" has the meaning set forth in §23.33(1)(b), Wis. Stats., which incorporates the definition at §340.01(2g), Wis. Stats.

"Designated Route" means a Town highway authorized for use by ATVs and UTVs under Section 4.a., above.

"Operator" has the same meaning as is set forth in §23.33(1)(iw), Wis. Stats., and shall further be defined as meaning a person who "operates" an ATV or UTV as the term "operate" is defined at §23.33(1)(ir), Wis. Stats.

"Roadway" means the traveled portion of any Town highway.

"Town Board" means the Town Board of the Town of Sioux Creek.

"Town Clerk" means the Clerk of the Town of Sioux Creek.

“Town Highway” means all public ways and thoroughfares approved by the Town of Sioux Creek.

“Utility Terrain Vehicle” a/k/a “UTV” has the meaning set forth at §23.33(1)(ng), Wis. Stats.

Section 14. Effective Date.

This ordinance becomes effective upon adoption and publication as required by law.

Dated this 13th day of May, 2013.

TOWN OF SIOUX CREEK

By: Keith L Peterson

ATTEST:

By: Kathleen A. Martin

Approved: 5/13/2013

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